

Judiciary Testimony 3/17/08
HB 5723 An Act Concerning Discrimination
The Rev. Thomas R. White

Why not simply write legislation specifically for the state legislators and scores of citizens who have been testifying over the years? Why not honor what they say about their experience? Why not ask them to draft legislation?

The answer, at least in part, is that while personal experience is valuable, epistemology, the process of how we acquire knowledge, is broader. Also, the process of drafting legislation involves specialized knowledge that the average citizen lacks.

To broaden my own understanding about “sexual orientation”, I have pursued two avenues. For forty years I have been in conversation with gay and lesbian persons and for twenty years I have studied scientific research on “sexual orientation.” It is this latter area that I believe the General Assembly has neglected since at least 1991.

Several years ago during a similar hearing, Chairman Lawlor introduced the Office of Legislative Research as a group of dedicated and unbiased individuals. I thought, “But how do they know that the research they are selecting is unbiased or accurate.” From what I can tell, the material on OLR’s web-site has been compiled by those with a legal background but not knowledge on this subject. For the most part, it is simply material from advocate groups, not primary research and conclusions by the compilers.

The General Assembly is apparently giving more credence to emotion, caring as it may be, than to thought research and discussion. This was frighteningly manifested in 2001 when it nearly passed legislation to break the Seal of Confession.

My knowledge of the legislature’s actions goes back to 1991. In that year “sexual orientation” was added to the list of protected classes against discrimination. Yet it wasn’t until 1991 that any research claiming that “sexual orientation” was biologically caused and perhaps innate and unchanged was broadly publicized. Conversely, in 1988 Dr. John Money of Johns Hopkins published *Gay, Straight and In-Between*. He said that while there was no scientific evidence supporting the change in terminology from “sexual preference” to “sexual orientation”, it was politically expedient.

1996 was the first year I noticed the term “transsexual” appear in periodicals. “Transgender” is the more recent term. Indeed, this is the secondary term in the *Wikipedia* entry for Gender Identity. The first sentence reads, “Gender identity (or core gender identity) is a person’s own sense of identification as male or female.” This does correspond to the bill’s definition (Sec. 1., 21). Subjectivity and emotions are core components in the definitions.

The point of the opening paragraphs is personal experience and, more precisely, an individual’s interpretation of one’s experience which is a singularly precarious basis upon which to base laws. My observations of the General Assembly’s actions during the last two decades on issues of “sexual orientation” indicate that this is the principle criteria being used.

Civil protections and rights for neglected individuals and classes is a mark of a civilized society. However I believe both the General Assembly’s processes and practices are negligent in acquiring sufficient and proper information to take action on this and similar bills.

109 Sand Hill Rd.
South Windsor, CT 06074